



AN ACT REVISING LAWS RELATING TO JURORS AND JUROR FEES; REMOVING THE DUTY OF THE CLERK OF THE DISTRICT COURT TO KEEP A BOOK OF JURORS' WARRANTS; PROVIDING THAT JURORS ARE PAID BY COUNTY WARRANT; PROVIDING FOR THE PAYMENT OF JUROR MILEAGE FROM THE PLACE OF RESIDENCE TO THE COURT IN COURTS OF RECORD; AMENDING SECTIONS 3-5-510, 3-15-201, AND 3-15-204, MCA; AND PROVIDING AN EFFECTIVE DATE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 3-5-510, MCA, is amended to read:

"3-5-510. Duties relating to jurors and witnesses. The clerk of the district court shall keep a:

~~(1) keep a book called "Book of Jurors' Warrants", which must contain blank warrants as provided in 3-15-204;~~

~~(2)~~(1) ~~keep a~~ "Witness Book", which must contain blank warrants as provided in 3-5-511; and

~~(3)~~(2) ~~keep a~~ record of the attendance of all jurors and witnesses in criminal actions and compute the amount due them for mileage. The distance from any point to the ~~county seat~~ court must be determined by the shortest traveled route."

Section 2. Section 3-15-201, MCA, is amended to read:

"3-15-201. Fees in courts of record. (1) A grand or trial jury panel member must receive \$12 per day for attendance before any court of record and a mileage allowance, as provided in 2-18-503, for traveling each way between the member's residence and the ~~county seat~~ court. Those jurors selected from the panel for a case must receive an additional \$13 a day while serving.

(2) A juror who is excused from attendance upon the juror's own motion on the first day of appearance in obedience to a notice or who has been summoned as a special juror and not sworn in the trial of the case ~~shall forfeit~~ forfeits per diem and mileage."

Section 3. Section 3-15-204, MCA, is amended to read:

"3-15-204. (Temporary) Duties of clerk as to jurors. (1) The clerk shall keep a record of the attendance of jurors and compute the amount due for mileage. The distance from any point to the ~~county seat~~ court must be determined by the shortest traveled route.

(2) ~~The clerk shall give to each A juror, at the time that the juror is excused from further service, a must receive payment by a county warrant signed by the clerk, in which must be stated that lists~~ the name of the juror, the number of days' attendance, the number of miles traveled, and the amount due.

(3) The state shall reimburse the clerk for the amount specified in the warrant as provided in 3-5-901 and 3-5-902.

3-15-204. (Effective on occurrence of contingency) Duties of clerk as to jurors. (1) The clerk shall keep a record of the attendance of jurors and compute the amount due for mileage. The distance from any point to the ~~county seat~~ court must be determined by the shortest traveled route.

(2) ~~The clerk shall give to each A juror, at the time that the juror is excused from further service, a must receive payment by a county warrant signed by the clerk, in which must be stated that lists~~ the name of the juror, the number of days' attendance, the number of miles traveled, and the amount due.

(3) The state shall reimburse the clerk for the amount specified in the warrant as provided in 3-5-901 and 3-5-902.

(4) The clerk of court for the county in which an asbestos-related claim is tried shall perform the functions required in subsections (1) through (3). The payment of costs incurred under this section must be made from the asbestos claims administration fund provided for in 3-20-104."

Section 4. Effective date. [This act] is effective July 1, 2009.

- END -

I hereby certify that the within bill,
HB 0242, originated in the House.

Chief Clerk of the House

Speaker of the House

Signed this _____ day
of _____, 2009.

President of the Senate

Signed this _____ day
of _____, 2009.

HOUSE BILL NO. 242
INTRODUCED BY MCALPIN

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